

S/L 59
10.6.2022
Court. No. 19
sn

WPA 4709 of 2022

Tapasi Mukherjee @ Tapashi Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Kaustav Bagchi
Ms. Priti Kar
Mr. Debayan Ghosh
... for the Petitioner

Mr. Sukanta Chakraborty
Mr. Anindya Halder
..for the respondent no.5

Mr. Aniruddha Bhattacharyya
..for the respondent no.8

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas *..for the State*

The petitioner claims to be the owner of premises situated at 30/1, Bharirathi Lane, Post Office Mahesh, Police Station Serampore, District Hooghly.

According to the petitioner, the respondent nos. 5 to 7 ousted the petitioner from the said premises. The respondent no.5 is the daughter-in-law and the respondent nos. 6&7 are the relatives of the respondent no.5.

The allegation is that the Officer-in-Charge, Serampore Police Station has failed and neglected to take action pursuant to the compliant lodged by the petitioner.

Mr. Chakraborty, learned advocate for the respondent no.5 submits that a matrimonial dispute

cropped up between the son of the petitioner and the respondent no.5. The respondent no.5 initiated a proceeding under Section 498A of the Indian Penal Code. Accordingly, Serampore Women Police Station Case No. 67 of 2019 was initiated against the husband of the respondent no.5 and in-laws.

An application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 was filed before the learned Magistrate. Protective order allowing the respondent No. 5 to reside in the premises has been passed. According to the said order, the respondent no.5 is residing at the ground floor of the premises in question.

The respondent no.8 is the husband of the respondent no.5 and supports the case of the petitioner.

Mr. Deb Roy, learned advocate for the State respondents files a report. It appears that the police authorities have registered respective cases against the respective parties pursuant to the complaints filed and as such this Court does not find, at this stage, that the allegation of inaction of the police authorities is correct.

The only protective order that the petitioner is entitled to is to be escorted back to the residence. She will reside on of the first floor of the premises in question as also enjoy all common facilities. The

respondent no.5 shall continue to stay at the ground floor. Parties should maintain peace and tranquillity.

The police authorities shall ensure that no breach of peace takes place.

The petitioner shall approach the police authorities on June 12, 2022 at 10 a.m. If such approach is made, the police authorities shall accompany the petitioner and put her in possession of the first floor of the residential house.

Since no affidavit in opposition is filed by the respondents, the allegations made against them are treated to be denied.

This order shall not influence the pending proceedings or the investigations.

The police report is taken on record.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)